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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,634	02/24/2005	Tetsujiro Kondo	450100-04715	2139
<div>7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151</div>				
EXAMINER				
NEGRON, WANDA M				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
11/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,634

Applicant(s)

KONDO ET AL.

Examiner

WANDA M. NEGRON

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8, 10-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5, 6, 8, 10, 12-15 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 11 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of applicant's amendment and remarks filed on 7/14/2009, the 35 USC § 112, second paragraph, rejection of claims 5 and 20 has been withdrawn.

Response to Arguments

Applicant's arguments regarding claims 11 and 16 filed on 7/14/2009 have been fully considered but they are not persuasive.

Regarding claim 11, applicant alleges that paragraphs [0050]-[0053] of the published application disclose the feature "the movement vectors are located in the horizontal direction or in the vertical direction, the camera operation estimating means estimates them to be the panning operation or the tilting operation respectively". The examiner maintains that claim 11 recites in lines 3-6, "and when a threshold value is reached or the movement vectors are located in the horizontal direction or in the vertical direction, the camera operation estimating means estimates them to be the panning operation or the tilting operation, respectively" (emphasis added), which is considered to be new matter. More specifically, claim 11 discloses that the camera operation estimating means estimates a panning or tilting operation on the basis of reaching a threshold or on the basis of locating movement vectors in the horizontal or vertical direction. The specification as filed discloses estimating a parallel movement (e.g., panning or tilting) only when a threshold or more of pixels of the inputted image (i.e., a number of pixels of the inputted image is equal to or more than a threshold) have the same movement (see figure 7). The specification as filed does not disclose estimating

a parallel movement (e.g., panning or tilting) merely when “the movement vectors are located in the horizontal direction or in the vertical direction”. Paragraph [0050] of the published application discloses classification of movement (e.g., panning, tilting and zooming) on the basis of movement vector direction (e.g., horizontal, vertical and radial) as an example of the movements that the camera operations can determined. Paragraphs [0051]-[0053] disclose that the procedure of the estimating process of the camera operation initially determines if a threshold value has been reached and then determines if a parallel movement (e.g., panning or tilting) is present.

Claim 16 does not explicitly recite a hardware element tied to the image signal processing method, and the application as filed further discloses an embodiment comprising software, per se (see page 24, lines 17-18 and page 25, lines 6-7). Therefore, a reasonable interpretation of an image signal processor for performing the image signal processing method would be software, per se. Furthermore, the steps in this claim can be performed manually without the use of a particular machine, wherein “a processor” could conceivably be interpreted to mean a person that processes the steps claimed.

For the foregoing reasons, the rejection is still deemed proper and has been maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As stated above, claim 11 recites in lines 3-6, "and when a threshold value is reached or the movement vectors are located in the horizontal direction or in the vertical direction, the camera operation estimating means estimates them to be the panning operation or the tilting operation, respectively" (emphasis added), which is considered to be new matter. More specifically, claim 11 discloses that the camera operation estimating means estimates a panning or tilting operation on the basis of reaching a threshold or on the basis of locating movement vectors in the horizontal or vertical direction. The specification as filed discloses estimating a parallel movement (e.g., panning or tilting) only when a threshold or more of pixels of the inputted image (i.e., a number of pixels of the inputted image is equal to or more than a threshold) have the same movement (see figure 7). The specification as filed does not disclose estimating a parallel movement merely when "the movement vectors are located in the horizontal direction or in the vertical direction". Paragraph [0050] of the published application discloses classification of movement (e.g., panning, tilting and zooming) on the basis of movement vector direction (e.g., horizontal, vertical and radial) as an example of the movements that the camera operations can determined. Paragraphs [0051]-[0053]

disclose that the procedure of the estimating process of the camera operation firstly determines if a threshold value has been reached and then determines if a parallel movement (e.g., panning or tilting) is present.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 16, as mentioned above, does not explicitly recite a hardware element tied to the image signal processing method, and the application as filed further discloses an embodiment comprising software, per se (see page 24, lines 17-18 and page 25, lines 6-7). Therefore, a reasonable interpretation of an image signal processor for performing the image signal processing method would be software, per se.

Furthermore, the steps in this claim can be performed manually without the use of a particular machine. The claim could conceivably be interpreted to mean that someone (*i.e.*, a processor) obtains multiple printed pictures with their respective movement vectors (since the claimed process does not claim a step for determining movement vectors) taken within a known period of time, determines that the camera was moving during the picture-capturing period of time, and determines a start time and/or the completion time of the camera movement on the basis of the known period of time. The storing step could be interpreted as simply remembering or writing on a piece

of paper the movement result of a previously seen picture, while the outputting step could conceivably be interpreted as someone selecting the pictures determined to have been taken during the time when the camera was moving.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WANDA M. NEGRON** whose telephone number is (571)270-1129. The examiner can normally be reached on Mon-Fri 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622
November 20, 2009

/Sinh Tran/
Supervisory Patent Examiner, Art Unit 2622